

**ENTERED**

December 21, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

§

VS.

§ CIVIL ACTION NO. 7:18-CV-303

26.000 ACRES OF LAND, MORE OR  
LESS, *et al*,

§

Defendants.

§

**AGREED ORDER ON PLAINTIFF'S OPPOSED  
MOTION FOR IMMEDIATE POSSESSION**

---

After considering Plaintiff's Opposed Motion for Immediate Possession, the response,  
and after a hearing, the Court hereby

1. GRANTS the United States motion; that its officers, employees, agents, and contractors shall have the right to enter upon the Property for the purpose of conducting environmental assessments and property surveys, including the right to temporarily store, move and remove necessary equipment and supplies; survey, stake out, appraise, bore and take soil and/or water samples, and perform any other such work which may be necessary and incidental designed to help secure the United States/Mexico border within the State of Texas for a period of twelve (12) months. The easement acquired by the United States will begin immediately and will end on December 12, 2019. Additionally, the United States is granted the right to trim or remove any vegetative or structural obstacles (such as posts, etc, but not building structures) on the property that interfere with the aforementioned purpose and work.

The Court further ORDERS:

2. The United States will give Defendant seventy-two (72) hours notice by e-mail, to David Garza, attorney for the Pharr Oratory, at dgarza@garzaandgarza.com, prior to entry upon the land. The Defendant will have forty-eight (48) hours to notify the Government that entry upon the land as noticed by the Government is not possible due to a conflicting event to be held on the Property. If the Defendant invokes this right of conflict on two occasions, the Government may then enter the property with seventy-two (72) hours notice, but defendant will not be entitled to object or prevent entry.

3. Separately, the government agrees that it will not enter the land at the following days: Saturday, Sunday, or Christmas, April 18, 2019 and April 19, 2019.

4. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government. No tools, equipment, or other property will be stored upon the land by the government, except when in actual or imminent use. All property will be removed after the survey and assessment easement work is completed within one week.

SO ORDERED this 21st day of December, 2018, at McAllen, Texas.



Randy Crane  
United States District Judge

APPROVED & ENTRY REQUESTED:

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: John A. Smith, III  
**JOHN A. SMITH, III**  
Assistant United States Attorney  
Southern District of Texas No. 8638  
Texas Bar No. 18627450  
One Shoreline Plaza

North Shoreline Blvd., Suite 500  
Corpus Christi, Texas 78401  
Telephone: (361) 888-3111  
Facsimile: (361) 888-3234  
E-mail: [jsmith112@usdoj.gov](mailto:jsmith112@usdoj.gov)  
Attorney in Charge for Plaintiff

**/s/ David C. Garza**

**DAVID C. GARZA (Attorney in charge)**  
Texas State Bar No. 07731400  
Southern District of Texas ID No. 3778 [dgarza@garzaandgarza.com](mailto:dgarza@garzaandgarza.com)  
GARZA & GARZA, L.L.P.  
680 East St. Charles, Suite 300  
P.O. Box 2025  
Brownsville, Texas 78522-2025  
Telephone: (956) 541-4914  
Fax: (956) 542-7403  
Attorney for Defendant  
**The Pharr Oratory of St. Philip Neri of**  
**Pontifical Rite**